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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,434	11/12/2003	Ly D. Nguyen	H0005957-1170	8700

7590 02/08/2005

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EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
	3745

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,434	NGUYEN ET AL.	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 21-26 is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rahimi et al. (5,271,838).

In figures 1-6, Rahimi et al. teach a retention ring 22,22' comprising a retainer ring 22,22'; a ring joggle 30b,31b,31b' integral to said retainer ring 22,22', and a ring finger 24,24' extending radially outward from said retainer ring 22,22'.

Notes.

1) The parts of the preamble in claims 1, 11 reciting “turbine scroll”, and in claim 18 reciting “turbine engine” are not considered as limitations of the respective claims 1, 11, and 18, and the claims that are dependent on the above claims, because bodies of the claims 1, 11, and 18 do not directly include the structure of the “turbine scroll” and “turbine engine”. See MPEP 2111.02 [R-2] PREAMBLE STATEMENTS RECITING PURPOSE OR INTENDED USE.

2) In claims 3, 4, 16, and 17 the language “capable” makes optional but does not limit the claims 3, 4, 16, and 17 to the structure of the “turbine scroll” or “turbine engine”. See MPEP 2106 II C REVIEW THE CLAIMS.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rahimi et al. (5,271,838)

Rahimi et al. disclose a retention ring.

Rahimi et al. do not disclose expressly the thickness of the ring between about 0.032 inches and about 0.25 inches.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the ring of Rahimi et al. with thickness between about 0.032 inches and about 0.25 inches. because Applicant has not disclosed that having a ring with the thickness between about 0.032 inches and about 0.25 inches. provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the thickness of ring of Rahimi et al. for the purpose of providing an adequate structural rigidity for the ring.

Therefore, it would have been an obvious matter of design choice to modify the ring of Rahimi et al. to obtain the invention as specified in claim 10.

Allowable Subject Matter

Claims 21-26 are allowed.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Losel (1,543,172) is cited to show a turbine scroll retention ring but fails to teach joggles and fingers.

Johnston et al. (4,704,075) is cited to show a turbine scroll retention ring but fails to teach joggles and fingers.

Japan Patent No. 54-109613 is cited to show a scroll retention ring but fails to teach joggles and fingers.

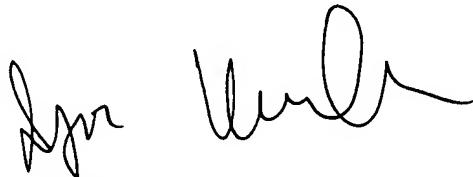
Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
February 1, 2005



Igor Kershteyn
Patent examiner.
Art Unit 3745



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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